IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25737 of 2008
NIRANJAN KUMAR SINGH
Versus
STATE OF BIHAR
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3 22.09.2008 Heard.

The case is under Section 302 IPC.

The informant is the father of the deceased lady who happens to be the Bhaboo (younger brother's wife) of the petitioner. The younger brother was Gopal Krishna @ Dhiru Singh. Thus, petitioner happens to be the elder brother of deceased's husband and the informant is the father-in-law of the deceased husband. The FIR depicts that there was some land dispute between two brothers, namely, the petitioner and deceased's husband (Gopal Krishna). It is said that on 28th November 2006 while the informant was on duty in his Office, he received information through one Satish Kumar that his daughter Kanchan (deceased) had been brutally assaulted by her *Bhaisur* (petitioner). On getting this information, the informant went to deceased's house in village Shambhupatti where several villagers, namely, Chandrika Prasad, Krishna Chandra Singh, Jang Bahadur Singh, Anupam Kumar and others told him that in the morning when the deceased had plucked some *Amla fruits* from

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tree, petitioner had chased her and had assaulted her with a **Katta** in her house and when the deceased ran out of the house to save herself, petitioner followed her and thrashed her on the road and gave several Katta blows on shoulder, neck and thigh etc. And that when the villagers protested to this act, petitioner brandished Katta and threatened them and that when villagers took out their weapons, then the petitioner fled away from there. The deceased was being taken to the Hospital, but she succumbed to the injuries in the way. The informant also stated in his FIR that learning this, he had gone to the Police Station where deceased's husband had come on Ambulance with the deceased and weepingly he said that the deceased had disclosed before him (deceased's husband) that due to plucking Amla from the tree, petitioner carrying a Katta had entered into her (deceased's) house and had assaulted her and that when she ran out to save her life, petitioner chased her and catching hold of her gave several Katta blows to her and that after disclosing this, she (deceased) became unconscious. The deceased's husband had also disclosed before the informant that the deceased was being taken to PMCH, Patna but she breathed her last in the way at

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Hajipur. The informant claimed that as a result of grudge of land dispute, petitioner committed this occurrence by giving several Katta blows to the deceased and thereby caused her death.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated due to land dispute.

Learned A.P.P. refers to Para-26 of the case diary where Gopal Krishna, husband of the deceased had disclosed that on receiving about the occurrence, he came to his house and saw that the deceased was being taken to the Hospital on ambulance and he also boarded the ambulance and in the ambulance, the deceased had disclosed before him that due to plucking Amla from the tree petitioner had given Katta blows to her and that when she had tried to escape away in order to save herself, petitioner had chased her and had given several Katta blows.

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Para-27, 28, 29, 30 and 31 of the case diary contained the statements of several villagers, namely, Kamal Kishor, Jang Bahadur Singh, Anupam Kumar, Ajit Kumar and Ram Milan Singh who have stated that the petitioner had given several Kattta blows to the deceased

and that when they had protested to it, petitioner had threatened them also to assault them and that when the villagers took out their licensed weapons, petitioner fled away from there. The villagers have stated that the deceased was sent to the Hospital but she died in the way. In Para-5 of the case diary the informant has given his further statement about the occurrence. Para-6 of the case diary mentions about the seizure of blood stained soil from the P.O. and Para-9 and 10 of the case diary mentions about the recovery of blood stained Katta which is also called **Dab**. Vide Para-59 of the case diary the husband of the deceased, due to his wife having been killed in such a way, committed suicide out of frustration.

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Learned A.P.P. submitted that the offence has been committed in a very brutal manner at the instance of petitioner.

Thus considering the facts and circumstances of the case, prayer for bail on behalf of the petitioner is rejected.

Jay/

**( C.M.Prasad, J)**